

Municipal Review Committee Meeting Minutes of December 19, 2005

Attendance: Matt Balling, MRC Chairman Paul Shear, MRC Member
Richard Bigler, MRC Member John Moulin, MRC Member
Lisa Bertino-Beaser, MRC Member Jim Callahan, MRC Member
Louis Depowski, MRC Member David Allan, Silvestri Architects
Councilman Scott Bylewski Jeffrey Grenzebach
Arthur Fuerst Peter Casilio

Agenda Item #1 - Approval of Minutes

ACTION: Motion made by Matt Balling, seconded by John Moulin to correct the minutes from the November 21, 2005 meeting to reflect the attendance of Councilman Scott Bylewski at the Municipal Review Committee meeting.

ON THE QUESTION:

Councilman Scott Bylewski indicates that, since Supervisor Kathleen Hallock was in attendance at the November 21, 2005 meeting, it would be appropriate to amend the minutes to reflect her attendance, as well.

ACTION: Motion made by Matt Balling, seconded by John Moulin to amend the previous action to include Supervisor Kathleen Hallock as being in attendance at the November 21, 2005 meeting.

VOTING: Ayes: ALL

MOTION PASSED.

Agenda Item #2 - Communications:

Matt Balling received a communication from the Vice Chairperson of the Planning Board regarding two items that are not yet on the Municipal Review Committee agenda. They were on the Town Board agenda and reference two residential proposals. The first proposal is for the Regal Farm property and the second is for Spaulding Green. The Municipal Review Committee should expect public participation.

Agenda Item #3 - Unfinished Business:

Agenda Item #3.a. – Stage and Schurr Subdivision

Matt Balling states that this is a Type I action, the applicant has requested the Municipal Review Committee to table the project this evening. This is the second consecutive time this project has been tabled because a final draft of the archeological

review has not been completed. A Part II has not been completed yet because the archeological study has not been received.

ACTION: Motion by Matt Balling, seconded by Richard Bigler, to **TABLE** the project until the archeological study has been completed.

VOTING: Ayes: ALL

MOTION PASSED

Agenda Item #3.b. – Town Environmental Quality Review Local Law (TEQR)

Matt Balling explains that this is an Unlisted Action that would establish the Town's formal review of projects under SEQR. It would bring together some procedural items along with the Type I list. The law was sent to the Department of Environmental Conservation SEQR trainer, Bettie Anne Hughes, for her review and input.

ACTION: Motion by Matt Balling, seconded by John Moulin, to **TABLE** the TEQR Local Law pending the response from Bettie Ann Hughes.

ON THE QUESTION:

Scott Bylewski indicates that this law evolved over time. It was initially started by the Municipal Review Committee, it went to the Town Board and the Town Attorney's office has been working with outside council. One of the models that were used is the Town of Oyster Bay.

VOTING: Ayes: ALL

MOTION PASSED

Agenda Item #4 – New Business

Agenda Item #4.a. – Arthur Fuerst, 9450 Main Street Coffee Shop

The applicant, Arthur Fuerst is present. Jim Callahan provides an explanation of the project. It is located at the corner of Main St. and Goodrich Rd.; it is the existing Executive Cleaners building. The proposal is to add a 1,000 square foot drive-thru coffee shop.

Arthur Fuerst introduces himself and explains that he is looking to change the entrance, he points out the proposed change on the site plan that is on display. The existing house will be removed and the driveway will be relocated.

The Tree Survey is in progress and will be forwarded to the Municipal Review Committee when completed so the existing tree canopy can be reviewed.

Matt Balling identifies two concerns of the Planning Board:

1. The traffic flow and congestion.
2. Character issues regarding this location being a “gateway” into the Clarence Center area.

David Allan, of Silvestri Architects, advises that he has addressed most of these issues. He believes that what they are proposing adds to the “gateway”, compared to the current condition. Matt Balling indicates that without the tree survey it is very difficult to tell, because when he looked at aerial photographs of the property he saw a lot of tree canopy which would be replaced by the drive-thru. This area currently serves as wooded open space, which people have a very high regard for in the Town. Matt Balling indicates that there is acre upon acre of wooded open space in the vicinity of the project, and the proposal is to remove it all and put a drive-thru there. It will likely come up in the Environmental Review, “What are you doing to mitigate that loss?”

Matt Balling advises that once the Department of Transportation provides their point of view, the Municipal Review Committee will review the traffic issue.

Paul Shear asks for clarification on the plan, “Is that a seating patio in the front of the coffee shop?” David Allan advises, “Yes.” John Moulin clarifies that there will be seating indoors as well.

Matt Balling advises this is an unlisted action and the next step for the Town to take is to conduct coordinated review. Before the Municipal Review Committee will recommend the Town to conduct a coordinated review, there are items on the Part I that Matt Balling would like to discuss and correct:

- Under the name of the action the word *pharmacy* should be removed.
- Regarding item number 12: “is surface liquid waste disposal involved?” the answer on the form is “yes”, however, item “a.” asks for the type of waste, and is unanswered. It is recommended to add the word “sewage”.
- Under Approvals Required, it should not say “Site Plan” it should say “Special Exception Use Permit”
- Under item c.1. “special use permit” should be checked off.
- Item 12. a. needs to be answered.

Richard Bigler asks how the number of trips per hour was calculated. Mr. Fuerst advises the calculations came from Starbucks. Scott Bylewski asks if the figure includes both the proposed coffee shop and the cleaners. Matt Balling advises it should include both. Peter Casilio, of P.A.T. Construction Management, advises the number may include the pharmacy as well. He will review the number for clarification and revise if needed.

ACTION: Motion by Matt Balling, seconded by Richard Bigler, to recommend the changes be made to the Part I as indicated above. Also, recommended that the maximum vehicle trips be revised to include the trips being generated by the cleaners.

VOTING: Ayes: ALL **MOTION PASSED**

ACTION: Motion by Louis Depowski, seconded by Paul Shear, to recommend the Town Board seek Lead Agency status to initiate a coordinated review.

VOTING: Ayes: ALL **MOTION PASSED**

Peter Casilio asks if the client should obtain a traffic consultant now or wait thirty days. Matt Balling can not answer the question because the impacts are not known from the Part II; all the interested agencies have not been heard from yet. He suggests waiting 30 days to see if there are further issues that need to be addressed once the Part II is reviewed.

Agenda Item #4.b. – Landscape and Tree Conservation Local Law

Matt Balling advises this is an unlisted action. He indicates that there seems to be an inconsistency between the rule stating that a permit is required to do timber harvesting outside an agricultural district and the definition. In the definition of timber harvesting it is indicated that timber harvesting is not allowed outside an agricultural district. Jim Callahan advises the wording can be clarified. Matt Balling also suggests a diagram might be helpful, in addition to the narrative, of the requirements for landscaping a parking lot. Jim Callahan advises a diagram will be worked on as Mr. Balling suggested.

Jim Callahan clarifies that any project that is disturbing the landscape and/or needs landscape approval is subject to this law. In the Zoning Law there a tree survey is a requirement for Site Plans.

ACTION: Motion by Louis Depowski, seconded by John Moulin, to recommend the Town solicit Lead Agency status and obtain a coordinated review.

VOTING: Ayes: ALL **MOTION PASSED**

Agenda Item #5 – Miscellaneous

Agenda Item #5.a. - Adequate Public Facilities Local Law/Amendments to Master Plan 2015

Matt Balling advises that the Planning Board is working with a consultant to get the thresholds worked out. They are looking at providing examples on how the thresholds would affect certain size projects.

Jim Callahan advises that the Planning Board is also looking at the coordination with TEQR and how it can mesh with the Adequate Public Facilities Local Law.

ACTION: Motion by John Moulin, seconded by Paul Shear, to **TABLE** the Adequate Public Facilities Local Law.

VOTING: Ayes: ALL

MOTION PASSED

Agenda Item #5.b. – Residential Home Building Cap

Matt Balling said the significant comment was how the Residential Home Building cap would impact the existing sewer tap in the town. His conclusion being the Town Board is looking for the Municipal Review Committee as an environmental committee to make a recommendation based on what is best for the Town's environment. The second matter that was discussed had to do with the Town's current practice of splitting permits between projects that were inside subdivisions and outside subdivisions. Matt Balling has obtained the Town's current policy; it is the current policy to discriminate based on being inside a subdivision or outside a subdivision, he does not think that, environmentally, this is getting to the heart of the matter. The comprehensive plan wishes to address pollution areas and protect the environment. Protecting the environment would include ground water, surface water, etc. The second draft clarifies this information. A table has been added that better illustrates what it would look like if it was split between sewer and non-sewer.

Matt Balling reviews the changes he has made to the Residential Home Building Cap. Under the recommendation portion of the letter, he identified that a 40% reduction is a substantial change and is a benefit to the Town, while still allowing for growth.

Another change that Mr. Balling made was the proportional allotment between residential units served by sewers and those unserved be maintained with an objective of limiting the use of septic systems.

The final change is a paragraph that reads:

This recommendation is intended for environmental protection. The Municipal Review Committee recognizes that the Town is currently a party to an agreement or agreements that allocate sewer taps as specific entities and that the Town Board should be prudent weighing these obligations with this recommendation.

John Moulin asks if this will satisfy the Town Board members. Scott Bylewski advises he can not speak for all the Town Board members but at least it is a start for discussion.

Scott Bylewski asks, regarding definitions, were do minor subdivisions fall, were do open development areas fall with regards to in subdivision and out of subdivision. Jim Callahan advises that traditionally any minor subdivision splits on existing road frontage would be classified as outside of subdivision. An open development, because it was approved under subdivision law, would be included as in subdivision.

ACTION: Motion by Matt Balling, seconded by Richard Bigler, to forward the letter of recommendation to the Town Board.

VOTING:	John Moulin –	AYE	Louis Depowski –	AYE
	Richard Bigler -	AYE	Matt Balling -	AYE
	Lisa Bertino-Beaser -	AYE	Paul Shear -	NAY

MOTION PASSED

Jim Callahan offers further discussion. The argument in regards to the Building Cap is that it is artificially regulating the market. He would like to see the Municipal Review Committee ask the applicants to provide the committee with basic information, up front, to show what the impacts will be and see if the committee can determine what rate of growth in those specific subdivisions will be. This will provide the committee with the statistics they need to back their decisions. He suggests using the SEQR process to obtain the information the committee needs. Richard Bigler thinks that during this process, everyone would have to be treated with exact fairness. Jim Callahan advises that each project will be unique in terms of its impact on traffic, school districts, etc.; location will play an important part.

Agenda Item #5.C. – Land Use Training

Matt Balling asks the committee members to come to the January 2006 meeting with the 5 topics that each member wishes to be tested on. He will keep track of the topics each member chooses. The Ethics Committee will score the tests. When the tests are complete they can be handed in to the Planning/Zoning Department.

Agenda Item #6 – Establish next meeting date

Matt Balling distributed the schedule of 2006 meeting dates for the Municipal Review Committee. The next meeting date is Monday January 23, 2006.

ACTION: Motion by Matt Balling, seconded by John Moulin, to accept the 2006 schedule of meetings.

VOTING: Ayes: ALL

MOTION PASSED

ACTION: Motion by Richard Bigler, seconded by Paul Shear, to adjourn the meeting.

VOTING: Ayes: ALL

MOTION PASSED

Meeting adjourned at 8:05 p.m.

Matt Balling, Chairman